

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CASE NO. 5:21-CV-00050-M

TOMMY LEE STEVENS, )  
Plaintiffs, )  
 )  
v. )  
 )  
THE UNITED STATES OF AMERICA, )  
Defendants. )  
 )

**ORDER**

This matter is before the court on the Memorandum and Recommendation (hereinafter “M&R”) of United States Magistrate Judge Brian S. Meyers [DE-11] to dismiss Plaintiff’s Complaint and certain non-dispositive motions as frivolous. Plaintiffs did not file objections to the M&R. The matter is ripe for ruling.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotations omitted); *see* 28 U.S.C. § 636(b). Absent timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (citation and quotations omitted).

The court has reviewed the M&R and the record in this case and is satisfied that there is no clear error on the face of the record. Accordingly, the court ADOPTS the M&R [DE-11] and for the reasons state therein ORDERS as follows:

1. Plaintiff’s Complaint be DISMISSED;
2. Plaintiff’s motion for change of venue [DE-9] be DISMISSED;

3. Plaintiff's motion for relief from spoliation of evidence [DE-10] be DISMISSED;

SO ORDERED this the 29<sup>th</sup> day of March, 2022.



RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE